HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.382 of 2007

-
-

Between:

Durga Matha House Building Construction
Co-operative Housing Society Ltd., represented by its
President, Hyderabad. …Appellant

And

K. Royapa Reddy and others. ….Respondents.

:: J U D G M E N T ::

Counsel for the appellant : Sri E. Manohar, Senior Advocate, assisted by Sri A. Veera Sekhara Rao

1st May, 2007

Per G.S. SINGHVI, C.J.

This appeal is directed against order dated 19-4-2007 passed by the learned Single Judge in Writ Petition No.7579 of 2007, the relevant portions of which read as under:

> "11. In the aforesaid facts and circumstances of the case, I am of the opinion that the appointment of Election Officer itself is without any authority of law and not supported by any material, as such, the first respondent herein cannot conduct the elections.
>
> 12. At this stage, the learned counsel for the petitioners in all the writ petitions submit that as there appears to be some irregularity in appointing the Election Officer, the election notification itself may be set aside keeping it open to conduct elections depending upon the orders that may be passed by the Deputy Registrar/Divisional Cooperative Officer, under Section 34(1) of the Act.
>
> 13. As all the parties have consented to set aside the election notification, the writ petition is allowed as prayed for.
>
> In the result, W.P.Nos.7695 and 7996 of 2007 are disposed of as indicated above and W.P.No.7579 of 2007 is allowed as prayed for. The Deputy Registrar/Divisional Cooperative Officer shall pass orders uninfluenced by any of the observations made by this Court in these writ petitions."

At the hearing, Sri E. Manohar, Senior Advocate appearing for the appellant submitted that his client may be permitted to withdraw the appeal with liberty to seek review of the order under challenge.

The request of the learned senior counsel is accepted and the appeal is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to disposal of the writ appeal as withdrawn, WAMP.Nos.723, 724 and 725 of 2007 filed by the appellant for interim relief are disposed of as infructuous.

G.S.SINGHVI, C.J.

1st May, 2007

C.V.NAGARJUNA REDDY, J.

ARS